

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA  
NEW ALBANY DIVISION

IN RE:	)	
	)	
EASTERN LIVESTOCK CO., LLC,	)	Case No. 10-93904-BHL-11
	)	
Debtor.	)	Hon. Basil H. Lorch III
	)	
<hr/> JAMES A. KNAUER, CHAPTER 11 TRUSTEE	)	
OF EASTERN LIVESTOCK CO., LLC	)	
	)	
Plaintiff,	)	
	)	
v.	)	Adversary Proceeding No. 12-59161
	)	
STOCKMAN OKLAHOMA LIVESTOCK	)	
MARKETING, INC., SOUTHEAST	)	
LIVESTOCK EXCHANGE, LLC, ROBERT	)	
NICHOLS, individually, ROBERT and JANE	)	
NICHOLS d/b/a NICHOLS LIVESTOCK,	)	
NICHOLS LIVESTOCK, INC., WILLIAM	)	
BUSH, and DOES 1-6,	)	
	)	
Defendants.	)	
	)	
<hr/> INNOVATIVE LIVESTOCK SERVICES, INC.,	)	
BMG NATURAL, L.L.C., AND INNOVATIVE	)	
LIVESTOCK SERVICES, INC.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	Adversary Proceeding No. 11-59098
EASTERN LIVESTOCK CO., LLC, et al.,	)	
	)	
Defendants.	)	
<hr/>	)	

FRIONA INDUSTRIES, L.P.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Adversary Proceeding No. 11-59093
	)	
EASTERN LIVESTOCK CO., LLC, et al.,	)	
	)	
Defendants.	)	
	)	
and	)	
	)	
CACTUS GROWERS, INC.,	)	
	)	
Intervenor,	)	
	)	
v.	)	
	)	
EASTERN LIVESTOCK CO., LLC, et al.,	)	
	)	
and	)	
	)	
J & F OKLAHOMA HOLDINGS, INC.,	)	
	)	
Intervenor,	)	
	)	
v.	)	
	)	
EASTERN LIVESTOCK CO., LLC, et al.,	)	
	)	
Defendants.	)	

**TRUSTEE'S 30(b)(6) NOTICE OF DEPOSITION TO  
STOCKMAN OKLAHOMA LIVESTOCK MARKETING, INC.**

Please take notice that, pursuant to Fed. R. Civ. P. 30(b)(6) and Fed. R. Bankr. P. 7030, James A. Knauer (the "Trustee"), as the trustee of Eastern Livestock Co., LLC, by counsel, will take the deposition of Stockman Oklahoma Livestock Marketing, Inc. (SOLM) at 9:00 a.m. on April 15, 2014 at the offices of McAfee & Taft, Tenth Floor, Two Leadership Square, 211 N. Robinson, Oklahoma City, OK 73102-7103, before a court reporter authorized to administer

oaths. The deposition will be conducted in accordance with the July 3, 2012 Order Establishing Deposition Protocols [Main Case, Doc. 1229]. You are invited to appear and take part in such examination.

### **Definitions**

Definitions applicable to this Notice of Deposition include the following:

A. "You," "your," and "SOLM" means and refers to Stockman Oklahoma Livestock Marketing, Inc. and includes all persons and organizations under your control, including but not limited to your parents, subsidiaries, affiliates, officers, directors, employees, attorneys, accountants, agents, and representatives of any kind. This definition includes Apache Auction Market and Apache Video Sales.

B. "Eastern" means and refers to Eastern Livestock Co., LLC, and includes its affiliates, members, officers, employees, attorneys, agents, accountants, and representatives of any kind.

C. "Trustee" means and refers to James A. Knauer, as the duly appointed Chapter 11 trustee for Eastern and includes his attorneys, agents, and representatives of any kind.

D. "First Amended Complaint" means and refers to the Trustee's First Amended Complaint filed in Adversary Proceeding No. 12-59161 (Doc. No. 15).

### **Subjects of Examination**

Examination is requested on any and all knowledge possessed by or reasonably available to SOLM relating to the following matters:

1. The general nature of SOLM's business operations and SOLM's record-keeping and accounting/book-keeping practices.

2. The general nature of SOLM's business dealings and cattle transactions with Eastern during 2009 and 2010.

3. The general nature of SOLM's business dealings and relationship with Thomas P. Gibson during 2009 and 2010.

4. The general nature of SOLM's business dealings and cattle transactions with Robert Nichols and Nichols Livestock from 2009 through the present.

5. The general nature of SOLM's business dealings and cattle transactions with William Bush from 2009 through the present.

6. The claims asserted by SOLM in its proofs of claim filed in Eastern's bankruptcy proceedings (Claim Nos. 245 & 246), including the allegations, facts, documents, transactions, checks, cattle, agreements, and parties reflected therein.

7. The transactions, cattle, and payments identified in the First Amended Complaint, including the transactions, cattle, and payments identified in the Exhibits to the First Amended Complaint.

8. The general nature of SOLM's business dealings with the "vendors" and "customers" identified in the Exhibits to the First Amended Complaint, and the specific transactions with the "vendors" and "customers" identified in the Exhibits to the First Amended Complaint.

9. The purported "Assignment" from Thomas P. Gibson/Eastern to SOLM, including but not limited to Exhibits E and F of the First Amended Complaint, and the facts and

circumstances surrounding the "Assignment," including but not limited to the negotiation, drafting, and execution of the "Assignment" and any action taken by SOLM related in any way to the "Assignment."

10. SOLM's Responses to the Trustee's Discovery Requests, served on July 29, 2013, and the documents produced by SOLM to the Trustee.

11. Communications with Eastern and any of its representatives, agents, affiliates, or employees – including but not limited to Thomas P. Gibson, Steve McDonald, Darren Brangers, Scott Gibson, and Grant Gibson – during November of 2010.

12. Communications with anyone concerning or relating to Eastern during November of 2010, including but not limited to communications with Packers & Stockyards/GIPSA, Superior Livestock, William Bush, Robert Nichols, Southeast Livestock, and any "customer" and "vendor" identified in the Exhibits to the First Amended Complaint.

13. Communications with or about Elizabeth Lynch or other employees of Development Specialists, Inc., from November of 2010 through January 2011.

14. SOLM's answer and affirmative defenses (Doc. No. 29) to the First Amended Complaint in Adversary Proceeding No. 12-59161.

15. The claims, allegations, and transactions at issue in SOLM's answer and counterclaim (Doc. No. 66) filed in Adversary Proceeding No. 11-59093, including but not limited to the facts, allegations, cattle, payments, checks, invoices, contracts, parties, and communications relating to the transactions involving the 64 head of cattle at issue.

16. The claims, allegations, and transactions at issue in SOLM's answer and counterclaim (Doc. No. 52) filed in Adversary Proceeding No. 11-59098, including but not limited to the facts, allegations, cattle, payments, checks, invoices, contracts, parties, and communications relating to the transactions involving the 204 head of cattle at issue.

FAEGRE BAKER DANIELS LLP

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*Counsel for James A. Knauer, Chapter 11 Trustee*

**CERTIFICATE OF SERVICE**

I hereby certify that on April 1, 2014, a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

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